

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF ISSAQUAH, a municipal  
corporation,

Plaintiff,

v.

ORA TALUS 90, LLC, a Delaware limited  
liability company; and RESMARK EQUITY  
PARTNERS, LLC, a Delaware limited liability  
company,

Defendants.

ORA TALUS 90, LLC, a Delaware limited  
liability company; and RESMARK EQUITY  
PARTNERS, LLC, a Delaware limited liability  
company,

Third-Party Plaintiffs,

v.

TERRA TALUS LLC, a Washington limited  
liability company; ELEMENT RESIDENTIAL  
INC., a Washington corporation; JOSHUA

No. 2:18-cv-00910-RSM

**STIPULATED MOTION AND  
ORDER FOR DISMISSAL WITH  
PREJUDICE OF KULCHIN  
FOUNDATION DRILLING  
COMPANY**

**NOTE ON MOTION CALENDAR:  
June 23, 2021**

STIPULATED MOTION AND ORDER FOR  
DISMISSAL WITH PREJUDICE OF KULCHIN  
FOUNDATION DRILLING COMPANY- 1  
USDC No. 18-cv-00910 RSM

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1 FREED, an individual; J.R. HAYES & SONS,  
2 INC., A Washington corporation; and TERRA  
3 ASSOCIATES, INC., a Washington  
corporation,

4 Third-Party Defendants.

5 TALUS 7 & 8 INVESTMENT, LLC, a  
6 Washington limited liability company; J.R.  
7 HAYES & SONS, INC., a Washington  
corporation,

8 Fourth-Party Plaintiffs,

9 v.

10 KULCHIN FOUNDATION DRILLING  
11 COMPANY, a Washington corporation; and  
12 BIG MOUNTAIN ENTERPRISE, LLC, a  
Washington limited liability company,

13 Fourth-Party Defendants.

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15 AND RELATED COUNTERCLAIMS AND  
16 CROSSCLAIMS

17 The Parties hereby stipulate that due to the absence of evidence and/or expert opinion  
18 that Kulchin Foundation Drilling Company contributed in any way to, or could be at fault for,  
19 the earth movement on Talus Parcel 9 occurring the fall of 2015, Kulchin should be dismissed  
20 from this case with prejudice and without costs to any Party.

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STIPULATED MOTION AND ORDER FOR  
DISMISSAL WITH PREJUDICE OF KULCHIN  
FOUNDATION DRILLING COMPANY- 2  
USDC No. 18-cv-00910 RSM

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 23<sup>rd</sup> day of June, 2021

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STIPULATED MOTION AND ORDER FOR  
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FOUNDATION DRILLING COMPANY- 3  
USDC No. 18-cv-00910 RSM

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**ORDER**

Based on the foregoing stipulation of the Parties, IT IS ORDERED:

All causes of action against Kulchin Foundation Drilling Company are dismissed  
with prejudice and without costs to any party.

DATED this 24<sup>th</sup> day of June, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

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FOUNDATION DRILLING COMPANY- 7  
USDC No. 18-cv-00910 RSM

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FOUNDATION DRILLING COMPANY- 8  
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